



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/028,129	12/20/2001	Christine J. Landry-Coltrain	83466LMB	2382
7590	05/11/2005		EXAMINER	
Paul A. Leipold Patent Legal Staff Eastman Kodak Company 343 State Street Rochester, NY 14650-2201			SCHWARTZ, PAMELA R	
		ART UNIT	PAPER NUMBER	
		1774		
DATE MAILED: 05/11/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

*W*  
*M*

**Notice of Non-Compliant  
Amendment (37 CFR 1.121)**

Application No.	Applicant(s)	
10/028,129	LANDRY-COLTRAIN ET AL.	
Examiner	Art Unit	
Pamela R. Schwartz	1774	

— The MAILING DATE of this communication appears on the cover sheet with the correspondence address —

The amendment document filed on 17 March 2005 is considered non-compliant because it has failed to meet the requirements of 37 CFR 1.121. In order for the amendment document to be compliant, correction of the following item(s) is required.

THE FOLLOWING MARKED (X) ITEM(S) CAUSE THE AMENDMENT DOCUMENT TO BE NON-COMPLIANT:

- 1. Amendments to the specification:
  - A. Amended paragraph(s) do not include markings.
  - B. New paragraph(s) should not be underlined.
  - C. Other \_\_\_\_\_.
- 2. Abstract:
  - A. Not presented on a separate sheet. 37 CFR 1.72.
  - B. Other \_\_\_\_\_.
- 3. Amendments to the drawings:
  - A. The drawings are not properly identified in the top margin as "Replacement Sheet," "New Sheet," or "Annotated Sheet" as required by 37 CFR 1.121(d).
  - B. The practice of submitting proposed drawing correction has been eliminated. Replacement drawings showing amended figures, without markings, in compliance with 37 CFR 1.84 are required.
  - C. Other \_\_\_\_\_.
- 4. Amendments to the claims:
  - A. A complete listing of all of the claims is not present.
  - B. The listing of claims does not include the text of all pending claims (including withdrawn claims)
  - C. Each claim has not been provided with the proper status identifier, and as such, the individual status of each claim cannot be identified. Note: the status of every claim must be indicated after its claim number by using one of the following status identifiers: (Original), (Currently amended), (Canceled), (Previously presented), (New), (Not entered), (Withdrawn) and (Withdrawn-currently amended).
  - D. The claims of this amendment paper have not been presented in ascending numerical order.
  - E. Other: See continuation sheet.

For further explanation of the amendment format required by 37 CFR 1.121, see MPEP § 714 and the USPTO website at <http://www.uspto.gov/web/offices/pac/dapp/ola/preognitice/officeflyer.pdf>.

TIME PERIODS FOR FILING A REPLY TO THIS NOTICE:

1. Applicant is given **no new time period** if the non-compliant amendment is an after-final amendment or an amendment filed after allowance. If applicant wishes to resubmit the non-compliant after-final amendment with corrections, the **entire corrected amendment** must be resubmitted within the time period set forth in the final Office action.
2. Applicant is given **one month**, or thirty (30) days, whichever is longer, from the mail date of this notice to supply the **corrected section** of the non-compliant amendment in compliance with 37 CFR 1.121, if the non-compliant amendment is one of the following: a preliminary amendment, a non-final amendment (including a submission for a request for continued examination (RCE) under 37 CFR 1.114), a supplemental amendment filed within a suspension period under 37 CFR 1.103(a) or (c), and an amendment filed in response to a *Quayle* action.

**Extensions of time** are available under 37 CFR 1.136(a) **only** if the non-compliant amendment is a non-final amendment or an amendment filed in response to a *Quayle* action.

**Failure to timely respond** to this notice will result in:

Abandonment of the application if the non-compliant amendment is a non-final amendment or an amendment filed in response to a *Quayle* action; or  
 Non-entry of the amendment if the non-compliant amendment is a preliminary amendment or supplemental amendment.

The amendments to the claims do not properly indicate deleted text by strikethrough or with double brackets where five or fewer consecutive characters have been deleted or where strikethrough cannot be easily perceived. For example, in claim 1, the last amendment added the word "thereon" on the second line. The newer claim does not include the word, nor does it show that the word has been deleted. Also, "wherein the topmost layer of said inkjet recording element porous polyester particles," was added in the last amendment, is not now present, but has not been indicated as deleted. In claims 6, 9, 18 and 41, the amendment is of a single character and/or the strikethrough is difficult to perceive so that double brackets should have been used. In claim 43, on line 3, "the topmost" was already there from the previous amendment and should not have been marked as an addition, while the word "layer," present in the previous version, is not now present and has not been marked as deleted text. The rest of this claim also appears to have improperly marked text and should be carefully compared to the prior amendment. Amendment markings must always be made in comparison with the newest previous version of the claims submitted by applicants.